

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

JAMES HEALY, on behalf of himself and all  
others similarly situated,

Plaintiff,

vs.

MILLIMAN, INC., d/b/a INTELLISCRIPIT,

Defendant.

Case No. 2:20-cv-01473-JCC

**STIPULATED MOTION AND [PROPOSED]  
ORDER TO CONTINUE JOINT STATUS  
REPORT DEADLINE PENDING  
PLAINTIFF'S MOTION FOR  
RECONSIDERATION AND CLARIFICATION**

**NOTE ON MOTION CALENDAR:**  
MARCH 5, 2024

The parties respectfully submit this joint request that the Court enter an order extending the deadline to submit a joint status report containing a revised case management schedule pending a ruling on Plaintiff's anticipated motion for reconsideration and clarification of the Court's Order dated February 22, 2024. In support of this stipulated motion, the parties state:

1. Plaintiff filed this class action lawsuit on October 5, 2020.
3. On April 29, 2022, the Court granted in part and denied in part Plaintiff's motion for class certification, certifying two classes. Dkt. No. 126.
4. After the classes were certified but before notice was sent, Plaintiff conducted additional discovery regarding whether class members had suffered an injury for purposes of Article III standing.

STIPULATED MOTION AND [PROPOSED] ORDER TO  
CONTINUE JOINT STATUS REPORT DEADLINE  
PENDING PLAINTIFF'S MOTION FOR  
RECONSIDERATION AND CLARIFICATION - 1

Case No. 2:20-cv-01473-JCC

5. On September 8, 2023, Plaintiff moved to modify the class definitions based on the evidence he had developed. Dkt. 166.

6. On September 21, 2023, Milliman filed a Motion for Partial Summary Judgment/Motion to Decertify Inaccuracy Class. Dkt. 167.

7. The Court held oral argument on Plaintiff's Motion to Modify the Class Definition and Defendant's Motion for Partial Summary Judgment/Motion to Decertify Inaccuracy Class. Dkt. 197.

8. Following oral argument, the Court ordered the parties to submit supplemental briefing regarding class-wide standing for both the inaccuracy and reinvestigation classes. Dkt. 198. The parties timely filed their briefs as the Court ordered. *See* Dkt. Nos. 203-214.

9. On February 22, 2024, the Court entered an Order granting in part and denying in part Defendant's motion for summary judgment and/or to decertify the inaccuracy class, dismissing the class for lack of class-wide standing. Dkt. 216 at 6:20-25. In the Order, the Court directed the parties to meet and confer and provide the Court with a joint status report containing a proposed revised case management schedule within fourteen days of the Order.

10. The parties met and conferred on March 1, 2024. During the meeting, Plaintiff's counsel informed Milliman's counsel that Plaintiff intends to file a motion for reconsideration and clarification of the Court's order. The parties agreed to jointly ask that Court for permission to extend the deadline to submit a joint status report until after the issues raised in Plaintiff's motion for reconsideration and clarification are resolved.

11. The parties propose that they meet and confer and provide the Court with a joint status report within seven days after receiving a decision from the Court on Plaintiff's motion for reconsideration and clarification.

STIPULATED MOTION AND [PROPOSED] ORDER TO  
CONTINUE JOINT STATUS REPORT DEADLINE  
PENDING PLAINTIFF'S MOTION FOR  
RECONSIDERATION AND CLARIFICATION - 2  
Case No. 2:20-cv-01473-JCC

STIPULATED TO AND DATED this 6th day of March, 2024.

TERRELL MARSHALL LAW GROUP PLLC

WILLIAMS, KASTNER & GIBBS PLLC

By: /s/ Jennifer Rust Murray

By: /s/ Jeffery M. Wells

Beth E. Terrell, WSBA #26759  
Email: bterrell@terrellmarshall.com  
Jennifer Rust Murray, WSBA #36983  
Email: jmurray@terrellmarshall.com  
Adrienne D. McEntee, WSBA # 34061  
Email: amcentee@terrellmarshall.com  
Blythe H. Chandler, WSBA #43387  
Email: bchandler@terrellmarshall.com  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
Telephone: (206) 816-6603

Jeffery M. Wells, WSBA #45840  
Email: jwells@williamskastner.com  
Daniel Brown, WSBA #22028  
Email: dbrown@williamskastner.com  
Rodney L. Umberger, WSBA #24948  
Email: rumberger@williamskastner.com  
601 Union Street, Suite 4100  
Seattle, Washington 98101-2380  
Telephone: (206) 628-6600  
Facsimile: (206) 628-6611

*Attorneys for Defendant*

FRANCIS MAILMAN SOUMILAS, P.C.

James A. Francis, Admitted Pro Hac Vice  
Email: jfrancis@consumerlawfirm.com  
John Soumilas, Admitted Pro Hac Vice  
Email: jsoumilas@consumerlawfirm.com  
Lauren KW Brennan, Admitted Pro Hac Vice  
Email: lbrennan@consumerlawfirm.com  
Travis Martindale-Jarvis, Admitted Pro Hac Vice  
Email: tmartindale@consumerlawfirm.com  
1600 Market Street, Suite 2510  
Philadelphia, Pennsylvania 19103  
Telephone: (215) 735-8600

*Attorneys for Plaintiff*

STIPULATED MOTION AND [PROPOSED] ORDER TO  
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PENDING PLAINTIFF'S MOTION FOR  
RECONSIDERATION AND CLARIFICATION - 3  
Case No. 2:20-cv-01473-JCC

TERRELL MARSHALL LAW GROUP PLLC  
936 North 34th Street, Suite 300  
Seattle, Washington 98103-8869  
TEL. 206.816.6603 • FAX 206.319.5450  
www.terrellmarshall.com

**ORDER**

IT IS SO ORDERED.

DATED this 6th day of March 2024.



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THE HONORABLE JOHN C. COUGHENOUR

STIPULATED MOTION AND [PROPOSED] ORDER TO  
CONTINUE JOINT STATUS REPORT DEADLINE  
PENDING PLAINTIFF'S MOTION FOR  
RECONSIDERATION AND CLARIFICATION - 4  
Case No. 2:20-cv-01473-JCC